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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,457	05/04/2001	Chen Lai Cheng	JCLA6623	8348
7590	01/27/2005		EXAMINER DUONG, KHANH B	
J.C. Patents, Inc. J C Venture Suite 250 Irvine, CA 92618			ART UNIT 2822	PAPER NUMBER

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,457

Applicant(s)

CHENG ET AL.

Examiner

Khanh Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16,21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16,21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 26-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to the Amendment filed November 4, 2004.

Accordingly, claims 23, 24, 26 and 30 were amended.

Claims 14-16, 21 and 23-30 remain pending in this application.

Claim Objections

Claim 27 is objected to because of the following informalities: line 6, before “recess region”, “a” should be --the--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa et al. (U.S. 6,284,342) in view of Duggal et al. (U.S. 6,538,375).

Ebisawa et al. ("Ebisawa") discloses in FIG. 1 [see col. 3-6] a method for forming a light emitting device, the method comprising: providing a covering layer 3; providing a light emitting unit 4, comprising a metal cathode layer ("electron injecting electrode"); forming a recess region on a covering surface of the covering layer 3; performing a depositing process (screen printing or reactive sputtering), to form an active gas-moisture absorption layer 6 on the recess region of the covering surface of the covering layer 3; and putting the covering layer 3 with the covering surface having the active gas-moisture absorption layer 6 over at least a portion of the light emitting unit 4 above the metal cathode layer.

Re claim 14, Ebisawa discloses forming the active gas-moisture absorption layer using screen printing or reactive sputtering process instead of an evaporation process.

Duggal et al. ("Duggal") suggests using either evaporation or sputtering to form a layer comprising Li, Mg and Ca [see col. 14, ln. 5-10].

Since Ebisawa and Duggal are both from the same field of endeavor, the purpose disclosed by Duggal would have been recognized in the pertinent prior art of Ebisawa.

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Therefore, because sputtering and evaporation processes were art-recognized equivalent techniques as demonstrated by Ebisawa and Duggal at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute one technique for the other.

Re claim 15, Ebisawa discloses the metal cathode layer ("electron injecting electrode") comprises one selected from the group consisting of Li, Mg, and Ca [see col. 6, ln. 49-52].

Re claim 16, Ebisawa discloses the active gas-moisture absorption layer comprises calcium hydride [see col. 4, ln. 5].

Claims 14-16, 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (FIG. 2; Specification, page 3, paragraph [0007] to [0009]) in view of Ebisawa and Duggal.

The admitted prior art ("APP") discloses in FIG. 2 (specification, page 3, paragraph [0007] to [0009]) a method for forming a light emitting device, the method comprising: providing a covering layer 62; providing a light emitting unit, comprising a metal cathode layer 56 (Ma, Li or Ca), a light emitting layer 54, and a transparent anode layer 52; forming a sealant layer 60, at least covering the light emitting layer and the metal cathode layer 56; and putting the covering layer 62 with the covering surface over at least a portion of the light emitting unit above the metal cathode layer 56.

Re claims 14-16, 21 and 23-25, the APP fails to disclose forming a recess region on a covering surface of the covering layer and performing an evaporation depositing process to form an active gas-moisture absorption layer on a recessed surface of the recess region of the covering surface of the covering layer.

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As previously described above, Ebisawa suggests in FIG. 1 forming a recess region on a covering surface of the covering layer 3 and forming an active gas-moisture absorption layer 6 on a recessed surface of the recess region of the covering surface of the covering layer 3, wherein the active gas-moisture absorption layer 6 covers the metal cathode layer (“electron injecting electrode”).

Ebisawa discloses forming the active gas-moisture absorption layer 6 using screen printing or reactive sputtering process *instead* of an evaporation process.

Duggal suggests using either evaporation or sputtering to form a layer comprising Li, Mg and Ca [see col. 14, ln. 5-10].

Since the APP, Ebisawa and Duggal are all from the same field of endeavor, the purposes disclosed by Ebisawa and Duggal would have been recognized in the pertinent prior art of the APP.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the process of the APP with the suggestion of Ebisawa, since Ebisawa states at column 5, line 60 to 67 that the active gas-moisture absorption layer minimizes the water content within the sealing place.

Furthermore, because sputtering and evaporation processes were art-recognized equivalent techniques as demonstrated by Ebisawa and Duggal at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute one technique for the other.

Allowable Subject Matter

Claims 26-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed November 4, 2004 have been fully considered but they are not persuasive.

Applicant argues that Ebisawa fails to disclose forming the active gas-moisture absorption layer on the recess region. The Examiner respectfully disagrees for the following reason: one of the definitions of the term "on", according the Merriam-Webster's Collegiate Dictionary, Tenth Edition, is "position in close proximity with". Thus, Ebisawa clearly shows in FIG. 1 that the active gas-moisture absorption layer 6 is formed at a "position in close proximity with" the recess region (or a recessed surface of the recess region).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Duong whose telephone number is (571) 272-1836. The examiner can normally be reached on Monday - Thursday (9:00 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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